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SLP(C)No. 22267 OF 2001
ITEM No.9

Court No. 2

SECTION XVI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.22267/2001
(From the judgement and order dated 05/12/2001 in GA Nil/01 in
CS Nil/01 of The HIGH COURT OF CALCUTTA)

COCHIN MALABAR ESTATES & INDUSTRIES LTD. Petitioner (s)

VERSUS

SUSHILA DEVI BHATTER & ORS. Respondent (s)

(With prayer for interim relief)
(With Appln(s). for permission to submit additional document(s))

Date : 15/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Navroze Seervai, Adv.
Ms. Avantika Keswani, Mr. Nikhil Sakhardande,
Mr. R N Karanjawala, Mrs Manik Karanjawala,
Mr. Ajay Vazirani and Mr. Arjun Bobde, Advs.

For Respondent (s) Mr. Dipankar P Gupta, Sr. Adv.
Mr. Dhruv Agarwal, Adv.
Mr. P K Jhunjhunwala, Adv.
Mr. Praveen Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

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Heard the counsel for the parties from 12 Noon to
12.15 P.M.

Special leave granted.

The appeal is allowed with costs, in terms of the
signed order.

(D.P. WALIA) (S.L. GOYAL) @@

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COURT MASTER COURT MASTER @@

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(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 464 OF 2002@@

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[arising out of SLP(C) No. 22267 of 2001]

Cochin Malabar Estates & Industries Ltd. ..Appellant(s)

vs.

Sushila Devi Bhattar & Ors. ..Respondent(s)

O R D E R@@

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Special leave granted.

In the instant case, notices for the Annual General Meeting had been issued by the company to its shareholders. According to the averment in the plaint, notices were received by the plaintiff on 26th November, 2001.

We see no reason as to why the High Court should have exercised its jurisdiction, if any, and granted ex parte interim injunction 48 hours before the holding of the Annual General Meeting at the instance of a shareholder who held only 1000 shares. It is to be noticed that the registered office of the company is at Cochin and the Annual General Meeting was also to be held at Cochin. Notices are stated to have been issued to the shareholders from Mumbai. We need not express any opinion as to whether the Calcutta High Court had jurisdiction to try the suit or not, but we are satisfied that on the facts of this case no ex parte interim injunction should have been granted.

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We, therefore, set aside the impugned order and allow this appeal with costs.

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.....J.
(B.N. KIRPAL)

.....J.
(Y.K. SABHARWAL)

.....J.
(K.G. BALAKRISHNAN)

New Delhi;
January 15, 2002.